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OFFICE OF PETITIONS

In re Application of	:	
Charles R. Simmers	:	
Application No. 09/721,790	:	ON PETITION
Filed: November 22, 2000	:	
Attorney Docket No. 42390P3581R	:	

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on June 23, 2005, to revive the above-identified application.

The petition is **GRANTED**.

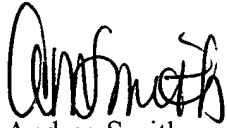
The application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of November 30, 2004 by the Board of Patent Appeals and Interferences. Therefore, the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(c). As no claim was allowed, the application became abandoned. See MPEP 1214.06.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Request for Continued Examination, along with \$790 filing fee and an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Frankie Ho appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application will be directed solely to the address of record until otherwise instructed.

The application file is being referred to Technology Center Art Unit 2673.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'Andrea Smith', written in a cursive style.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Frankie Ho
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